

**CHOCOLATE**

**19004. Adulteration of chocolate. U. S. v. 14 Bags \* \* \*. (F. D. C. No. 33098. Sample No. 12346-L.)**

**LIBEL FILED:** April 28, 1952, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about May 20, 1947, from Brooklyn, N. Y.

**PRODUCT:** 14 bags, each containing 20 10-pound slabs, of chocolate at Berea, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 26, 1952. Default decree of condemnation and destruction.

**SIRUP**

**19005. Misbranding of sorghum sirup. U. S. v. Charles H. Owen & Charles R. Owen, a partnership, and Charles H. Owen and Charles R. Owen, individuals. Plea of guilty to 2 counts by Charles H. Owen; fine of \$200 and sentence of 60 days in jail. Plea of guilty to 3 counts by Charles R. Owen; fine of \$300 and sentence of 90 days in jail. Jail sentences suspended and both individual defendants placed on probation for 1 year. (F. D. C. No. 31268. Sample Nos. 77956-K, 77957-K, 11472-L, 11475-L.)**

**INFORMATION FILED:** November 24, 1951, Western District of Missouri, against Charles H. Owen & Charles R. Owen, a partnership, Joplin, Mo., and Charles H. Owen and Charles R. Owen, individuals.

**INTERSTATE SHIPMENT:** On or about November 9 and 28, 1950, a number of cans of sirup labeled, in part, "New Crop Sirup A Sorghum Flavor Blend of Cane Sugar Sirup, Corn Sirup, Molasses and Sorghum Sirup," were transported and shipped in interstate commerce from Jefferson, Tex., to Joplin, Mo., by Charles R. Owen.

**ALLEGED VIOLATION:** On or about December 1, 1950, while the sirup was being held for sale after shipment in interstate commerce, the defendants removed and caused the removal of the labels from a portion of the cans and relabeled the cans, in part, "Sorghum Sirup Made of Cane Products Made For and Sold by C. H. Owen Joplin, Missouri," which acts resulted in the sirup in the relabeled cans being misbranded.

The information charged also that on or about February 5, 1951, the defendants shipped from the State of Missouri into the State of Tennessee a number of cans of sirup labeled, in part, "Pure Sorghum," which was misbranded.

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the statements "Pure Sorghum" and "Sorghum," borne on the labels, were false and misleading since the article was not sorghum; and, Section 403 (i) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

Further misbranding (portions), Section 403 (b), the article was offered for sale under the name of another food; and, Sections 403 (e) (1) and (2), the article was in package form and failed to bear a label containing the name and

place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents.

**DISPOSITION:** May 26, 1952. A plea of guilty having been entered by Charles H. Owen to counts 4 and 6 of the information charging the relabeling of the product after shipment in interstate commerce, the court imposed a fine of \$200 and a sentence of 60 days in jail. A plea of guilty having been entered also by Charles R. Owen to the same counts and to count 2 charging the interstate shipment of misbranded sirup, the court imposed a fine of \$300 and a sentence of 90 days in jail. The jail sentences were suspended, however, and the defendants were placed on probation for 1 year. Counts 1, 3, and 5 of the information were dismissed.

**19006. Adulteration and misbranding of sorghum sirup. U. S. v. 14 Cases, etc.**  
(F. D. C. No. 32475. Sample No. 31607-L.)

**LIBEL FILED:** March 19, 1952, Eastern District of Illinois.

**ALLEGED SHIPMENT:** On or about January 14, 1952, by Roy Lansaw, from Joplin, Mo.

**PRODUCT:** 14 cases, each containing 12 64-ounce cans, and 6 cases, each containing 12 cans, of sirup, and 100 loose labels entitled "Pure Hancock County Sorghum" at Benton, Ill.

**LABEL, IN PART:** (14 cases) "New Crop Syrup A Sorghum Flavor Blend of Cane Sugar Syrup, Corn Syrup, Molasses and Sorghum Syrup"; (6 cases) "Pure Hancock County Sorghum E. D. Brown Rt. 2 Patesville, Ky."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of sugar sirup, glucose, and sorghum had been substituted for sorghum and was being sold and held for sale as pure sorghum after shipment in interstate commerce.

Misbranding, Section 403 (a), the label designation "Pure \* \* \* Sorghum" was false and misleading since the product was a mixture of sugar sirup, glucose, and sorghum. (Six cases were labeled as pure sorghum, and the other 14 cases, although bearing labels as "New Crop Syrup" as appears above, were to be labeled "Pure Sorghum" with the loose labels which were transported with the product.)

Further misbranding (6-case lot), Sections 403 (e) (1) and (2), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, since it was not manufactured, packed, or distributed by E. D. Brown, Route 2, Patesville, Ky., and since its label bore no statement of the quantity of the contents; and, Section 403 (i) (2), it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

**DISPOSITION:** May 16, 1952, amended July 15. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

**19007. Misbranding of sorghum sirup. U. S. v. 109 Cans \* \* \*. (F. D. C. No. 33078. Sample Nos. 34242-L, 34255-L.)**

**LIBEL FILED:** April 22, 1952, Western District of Tennessee.

**ALLEGED SHIPMENT:** On or about January 15, 1952, from Thrasher, Miss.

**PRODUCT:** 109 4½-pound cans of sirup at McKenzie, Tenn.

**LABEL, IN PART:** "Honey Drip Sorghum Flavored and Blended Contains: Corn Syrup, Sugar Syrup and Cane Syrup."